

REMARKS

The office action of August 21, 2009, has been carefully considered.

It is noted that claim 5 is objected to for containing informalities.

Claims 8 and 12 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 2, 5, 6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) over the patent to Poloni in view of the patent to Vignotto.

Finally, it is noted that claims 3, 4, 7 and 11 would be allowable if rewritten in independent form.

In view of the Examiner's rejections of the claims, applicant has canceled claim 9, and amended claims 1, 5, 8 and 12, and added new claims 13 and 14.

Applicant has amended claim 5 to correct the informalities

pointed out by the Examiner. Thus, it is respectfully submitted that the objection to claim 5 is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejections of claims 8 and 12 under 35 U.S.C. 112, second paragraph are overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Poloni, it can be seen that this patent discloses a labyrinth seal with a pressurized sealing packing. The patent to Vignotto et al. discloses a sealing assembly for a rolling bearing. The Examiner combined these references in determining that claims 1, 2, 5, 6, 8-10 and 12 would be unpatentable over such a

HM-734

combination. Applicant submits that neither of the references, nor their combination, teaches a sealing device in which amounts of oil particles that are collected can be adjusted by the size of an opening of an oil collection pocket, and the amount of oil that can be stored in the oil collection pocket can be set by an oblique position and a depth of the oil collection pocket, as in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 2, 5, 6, 8-10 and 12 under 35 U.S.C. 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

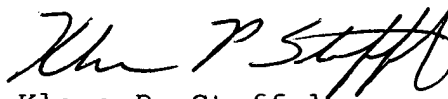
Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

HM-734

Respectfully submitted,

By



Klaus P. Stoffel

Reg. No. 31,668

For: Friedrich Kueffner

Reg. No. 29,482

317 Madison Avenue, Suite 910

New York, New York 10017

(212) 986-3114

Dated: January 21, 2010

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 21, 2010.

By:


Klaus P. Stoffel

Date: January 21, 2010